

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-31 and 39-54 are presently pending. Claims amended herein are 1, 3-7, 10-11, 14-20, 22, 24-27, 29-31, 39-41, 48-49, and 51. Claims withdrawn or cancelled herein are 2, 8-9, 12-13, 21, 23, and 28. New claims added herein are none.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on July 26, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Lowney and Cotungo. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] I understood the Examiner to tentatively agree that the independent claims would be patentable over the cited art if amended as discussed during the interview. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 3-7, 10-11, 14-20, 22, 24-27, 29-31, 39-41, 48-49, and 51 herein.

Substantive Matters

Claim Rejections under § 112

[0011] Claims 1-6, 10-11, 22, 24-25, 29, and 39-40 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 101

[0012] Claims 1-25 have been rejected under 35 U.S.C. § 101 as the Examiner has determined that the invention is directed to non-statutory subject matter. Specifically, the Examiner has objected the claims as reciting a computer readable media that is disclosed as signals. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0013] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §§ 102 and/or 103

[0014] Claims 1-11, 13-14, 17-18, 20-21, 23, 25-29, 31, 40-41 and 47-51 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,324,689 to Lowney. Claims 12, 22 and 24 have been rejected under 35 U.S.C § 103(1) as being unpatentable over Lowney. Claims 15-16, 19, 30-31, 42-43 46, and 52-53 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowney in view of U.S. Patent No. 6,353,887 to Cotugno. Applicant respectfully traverses these rejections.

[0015] In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0016] **Independent claim 1** recites one or more [computer-readable] computer-storage media comprising a plurality of data structures, the plurality of data structures comprising:

- a code unit having executable instructions;
- one or more rewriters, wherein each rewriter modifies the code unit in a unique way; and
- a rewriter list identifying at least one rewriter,
wherein the rewrite list identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit; and

~~[one or more rewriters that include the at least one rewriter, each rewriter capable of rewriting the code unit]~~

a rewrite manager having executable instructions configured to access one or more rewriters and execute the one or more rewriters against the code unit to generate a rewritten code unit, whereby the rewrite manger identifies and sequences the appropriate rewriters by consulting the rewrite list.

[0017] The combination of cited art does not teach each of the elements of independent claim 1. Specifically, Lowney and Cotugno do not teach the use of a rewrite list that identifies which rewriter is to be applied to rewrite a code unit and the sequence in which the rewrite manager applies the rewriters. Accordingly, the cited art does not support a § 102 rejection of claim 1, along with dependent claims 3-6, thus the section 102 rejection should be withdrawn.

[0018] Independent claim 7 recites One or more ~~[computer-readable]~~ computer-storage media comprising a code unit, the code unit including executable instructions configured for:

initiating a transformation of the code unit; and

identifying and sequencing one or more rewriters to implement the transformation, each rewriter configured to implement a unique transformation of the code unit, wherein the one or

more rewriter are identified and sequenced by a rewrite manager having executable instructions configured to access a rewrite list, wherein the rewrite list identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit.

[0019] As described in response to the rejection of claim 1, the recited art does not show or disclose the features of claim 8. Namely, the cited art does not show or disclose "the rewrite list identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit", as recited in claim 7. Accordingly the cited art does not support a § 102 rejection of claim 7, along with dependent claims 10-13, thus the section 102 rejection should be withdrawn.

[0020] **Independent claim 14** recites One or more [computer-readable] computer-storage media comprising computer-executable instructions configured for:

receiving a code unit having executable instructions;

determining at least one rewriter with which the code unit may be rewritten, wherein each rewriter modifies the code unit in a unique way;

calling the at least one rewriter, wherein the rewriter is called by a rewrite manager having

executable instructions configured to access one or more rewriters by accessing a rewrite list that identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit; and

executing the at least one rewriter against the code unit to generate a rewritten code unit.

[0021] As described in response to the rejection of claim 1, the recited art does not show or disclose the features of claim 14. Namely, the cited art does not show or disclose “a rewrite list that identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit”, as recited in claim 14. Accordingly the cited art does not support a § 102 rejection of claim 14, along with dependent claims 15-20, 22, and 24-25, thus the section 102 rejection should be withdrawn.

[0022] **Independent claim 26** recites A computer apparatus comprising a computing device and memory:

a code unit;

a composable set of rewriters, each rewriter configured to rewrite the code unit in a unique manner;

a rewrite manager configured to identify one or more rewriters from the composable set of rewriters, sequence the rewriters and to execute the

identified one or more rewriters against the code unit,
wherein the rewrite manager determines the identity
and sequence by accessing a rewrite list that identifies
which rewriter to apply to rewrite the code unit and
provides the sequence the rewriters are applied to the
code unit; and

a rewritten code unit generated by
executing the identified one or more rewriters against
the code unit.

[0023] As described in response to the rejection of claim 1, the recited art does not show or disclose the features of claim 26. Namely, the cited art does not show or disclose "the rewrite manager determines the identity and sequence by accessing a rewrite list that identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit", as recited in claim 26. Accordingly the cited art does not support a § 102 rejection of claim 26, along with dependent claims 27, 29-31, and 39-40, thus the section 102 rejection should be withdrawn.

[0024] Independent claim 41 recites a method comprising:

receiving an executable code unit;
determining that the code unit needs to be rewritten;
determining one or more rewriters to rewrite the code unit,
wherein the rewriter is determined by a rewrite manager that
accesses a rewrite list that identifies which rewriter to apply to

rewrite the code unit and provides the sequence the rewriters are applied to the code unit; and

running the one or more rewriters against the code unit to generate a rewritten code unit.

[0025] As described in response to the rejection of claim 1, the recited art does not show or disclose the features of claim 41. Namely, the cited art does not show or disclose "wherein the rewriter is determined by a rewrite manager that accesses a rewrite list that identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit", as recited in claim 41. Accordingly the cited art does not support a § 102 rejection of claim 41, along with dependent claims 42-50, thus the section 102 rejection should be withdrawn.

[0026] Independent claim 51 a method comprising:

receiving a code unit;

determining that the code unit is to be rewritten by a rewriter, wherein the rewriter is determined by a rewrite manager that accesses a rewrite list that identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit;

determining if the code unit and the rewriter are trusted;

running the rewriter against the code unit to generate a rewritten code unit if the code unit and the rewriter are trusted;

storing the rewritten code unit in a cache.

[0027] As described in response to the rejection of claim 1, the recited art does not show or disclose the features of claim 51. Namely, the cited art does not show or disclose "the rewriter is determined by a rewrite manager that accesses a rewrite list that identifies which rewriter to apply to rewrite the code unit and provides the sequence the rewriters are applied to the code unit", as recited in claim 51. Accordingly the cited art does not support a § 102 rejection of claim 51, along with dependent claims 52-54, thus the section 102 rejection should be withdrawn.

Dependent Claims

[0028] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0029] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is

urged to contact me before issuing a subsequent Action. Please
call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 2006.08.16

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